IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1165 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30/04/2004 in WP NO : 9347 OF 1994 on the file of the High Court.)

Between:

1 Nelabatla Singamma D/o Subbaramaiah
Ponnaluru Village, Ponnaluru Mandal, Prakasham District
2 Kunduri Rajamma W/o Subbramanaiah
Ponnaluru Village, Ponnaluru Mandal, Prakasham District. (since Died)

..... APPELLANTS

AND

1 The Commissioner of Land Revenue, Government of Andhra Pradesh,

Hyderabad.
2 The Sub-Collector, Kandukur, Prakasham District.
3 The Dy.Tahsildar, Inams, Kandukur, Prakasham District.
4 Sri Bhimeswara Swamy Varu rep. by its Chairman of Trust Board

Ponnaluru Mandal, Ponnaluru Village, Prakasham District

.....RESPONDENTS

Counsel for the Appellant:MR.Y.VISWESWARA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR ENDOWMENTS

Counsel for the Respondent No.4: Smt.N.Indrani

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Dismissal of the appellants' writ petition has led to the filing of this appeal.

The appellants, in the writ petition, questioned the orders passed by the Sub Collector, Kandukur on 20th May, 1988 and that of the Commissioner of Survey, Settlements and Land Records, Hyderabad dated 20th November, 1993.

Facts in brief are that suo motu enquiry was initiated by the Special Deputy Tahsildar (Inams), Kandukur as contemplated by Section 3 of the Inams Abolition Act, 1956 involving determination of the question whether a particular land is an inam land and whether such inam land is held by an institution. Notice in Form I was issued on 10-2-1959, which was published on 11-2-1959 by beat of tom tom and affixing a copy at the Gram Rachabanda (a conspicuous place in the village center). The Special Deputy Tahsildar (Inams), Kanigiri on 12th March, 1959 passed an order in Form II in respect of the inam lands of the village except the land which is the subject matter of the present appeal viz., Survey Nos.10 and 333. A notice in Form V dated 19th June, 1976 was issued with respect to these lands by the Special Deputy Tahsildar to the Trustee of the temple Sri Bheemeswaraswamivaru and by order dated 16th July, 1976, a ryotwari patta was granted in the name of the deity Sri Bheemeswaraswamyvaru. The order was duly published in accordance with law.

The said order was challenged by the petitioners-appellants by filing appeal before the Sub Collector, Kandukur with an application seeking condonation of delay. The delay was condoned and by order dated 25th May, 1988, the appeal was dismissed.

Before the appellate authority, the appellants claimed that they were the persons belonging to the family of archakas of the said temple and were in

possession of the lands and notice ought to have been issued to them before the grant of inam patta in favour of the fourth respondent-temple. Such notice was not issued and therefore, the orders granting inam patta in favour of the fourth respondent are bad in law. This submission was negatived on the ground that no notice was required to be issued to the predecessors of the appellants or even to their successors. There was publication of notice for the general public and no claim was made by the predecessors of the appellants when the enquiry was in progress and no separate notice was required to be issued to them. It was also held that the father of the first appellant and the husband of the second appellant was archaka of the temple, who died during the year 1973. Being an archaka, he was enjoying the temple lands but he never put forth any case to show that he had any interest in the land. In this view of the matter and further holding that the grant of inam patta in favour of the fourth respondent was in order, the appeal was dismissed. Revision filed against the same was also dismissed.

Learned single Judge, by a very short order, dismissed the writ petition.

We have heard the learned counsel for the appellants and we do not find any ground, whatever, to admit the appeal. In case the appellants are in possession of the property, they can work out their remedies in accordance with law but could not have challenged the grant of inam patta in favour of the fourth respondent, which was rightly granted to it.

Appeal, accordingly, is dismissed.

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DEVINDER GUPTA, CJ

13-8-2004

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C.V.RAMULU, J

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To

1 The Commissioner of Land Revenue, Government of Andhra Pradesh,

Hyderabad.
2 The Sub-Collector, Kandukur, Prakasham District.
3 The Dy.Tahsildar, Inams, Kandukur, Prakasham District.
4 2 CCs to the Govt. Pleader for Endowments, High Court Buildings,

Hyderabad (OUT).

5 2 CD copies.